

CASE CLOSURES UNDER ENFORCEMENT PRIORITY

¹ These cases are: P-MUR 385 (*Phillip R. Davis*);

contain a factual summary of each of the cases recommended for closing, the case EPS rating, the factors leading to the assignment of a low priority, and our recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources primarily because the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. EPS provides us with the means to identify those cases which, though earning a higher numerical rating, remain unassigned for a significant period due to a lack of staff resources for an effective investigation. The utility of commencing an investigation declines as these types of cases age, until they reach a point when activation of such cases would not be an efficient use of the Commission's resources.

Continued from page 1.

Media Matter);

Republican State Committee);
 5162 (*American Broadcasting Co. - Media Matter*).

MUR 5104 (*Hoosiers for Roemer*);
 MUR 5110 (*KBHK -*

MUR 5120 (*Hillary Rodham Clinton*);

MUR 5148 (*Nebraska*

4294-304-40-12

Attached to this report is a factual summary of the complaint recommended for closing and the EPS rating for the matter.

III. RECOMMENDATIONS

We recommend that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the day that the Commission votes on the recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

1. Decline to open a MUR, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letter in:

P-MUR 385

5294-304-40-12
21-04-403-4625

2. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:


MUR 5104
MUR 5110

MUR 5120

MUR 5148
MUR 5162

2/1/01

Date



Lois G. Lerner
Acting General Counsel

21-04-403-4626

MUR 5148

NEBRASKA REPUBLICAN STATE CENTRAL COMMITTEE

Anne Boyle alleged that the Nebraska Republican State Central Committee (the "Committee") aired an advertisement featuring George W. Bush, advocating the election of Don Stenberg, but without the proper disclaimer. Ms. Boyle also alleged that the advertisement failed to disclose the full name of its sponsor thereby indicating whether the expenditure was independent or coordinated.

A joint response was filed by the Committee and the Stenberg for Senate 2000 Committee stating that the advertisement was a coordinated party expenditure and that the media firm, unaware of the disclaimer requirements, shipped the ad to various stations without final approval. The respondents further stated that they were alerted to the error just hours after the ad had run and the error was corrected immediately thereafter.

This matter is less significant relative to other matters pending before the Commission and the respondents took some remedial action.

21-04-403-4627



FEDERAL ELECTION COMMISSION
Washington, DC 20463

AGENDA DOCUMENT #X01-31
MEMORANDUM

TO: LOIS G. LERNER
ACTING GENERAL COUNSEL

FROM: MARY W. DOVE/VENESHE FEREBEE-VINES *WV*
COMMISSION SECRETARY

DATE: MARCH 6, 2001

SUBJECT: EPS Case Closing Report. Memorandum to the Commission
dated March 1, 2001.

The above-captioned document was circulated to the Commission
on Thursday, March 01, 2001.

Objection(s) have been received from the Commissioner(s) as
indicated by the name(s) checked below:

| | |
|------------------------|-------------------|
| Commissioner Mason | — |
| Commissioner McDonald | — |
| Commissioner Sandstrom | <u>XXX</u> |
| Commissioner Smith | — |
| Commissioner Thomas | — |
| Commissioner Wold | — |

This matter will be placed on the meeting agenda for Tuesday,

March 13, 2001. Please notify us who will represent your Division before the
Commission on this matter.

21-04-403-4628